

JUDGE THOMAS ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	NO. CR 06-189 TSZ
Plaintiff,	)	
	)	
vs.	)	ORDER CONTINUING TRIAL TO
	)	NOVEMBER 20, 2006
VAN X. BENNUM and	)	
CHERYL B. SILVERIA,	)	
	)	
Defendants.	)	
_____	)	

This matter has come before the undersigned Court by stipulation and motion of counsel, the United States through the United States Attorney for the Western District of Washington, Jill Otake, Assistant United States Attorney, and the defendants through counsel, Brian Tsuchida for Ms. Silveria and counsel Lennard Nahajski for Mr. Bennum. The Court being fully advised in the matter, now finds the following:

The trial was scheduled for September 18, 2006. The defendants Van Bennum and Cheryl Silveria are waiving their speedy trial rights until November 27, 2006, which is beyond the new trial date of November 20, 2006. The motion is made because defendant Silveria made her first appearance on August 18, 2006. Her attorney was appointed to represent her in this case on that day. If this continuance were not granted,

ORDER CONTINUING TRIAL  
TO NOVEMBER 20, 2006- 1  
(Bennum/Silveria, CR 06-189TSZ)

**FEDERAL PUBLIC DEFENDER**  
**Westlake Center Office Tower**  
1601 Fifth Avenue, Suite 700  
Seattle, Washington 98101  
(206) 553-1100

1 the parties agree that Ms. Silveria would not have sufficient time to adequately prepare a  
2 defense of her case and would therefore be denied effective assistance of counsel and a  
3 fair trial.

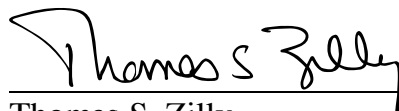
4 The Court has considered the time limitations for trial and speedy trial concerns  
5 set forth in Title 18, United States Code, Section 3161.

6 Section 3161(h) outlines the periods of excludable time, including:

7 (8)(A) Any period of delay resulting from a continuance  
8 granted by any judge on his own motion or at the request of  
9 the defendant or his counsel or at the request of the attorney  
10 for the Government, if the judge granted such continuance  
11 on the basis of his findings that the ends of justice served by  
12 taking such action outweigh the best interest of the public  
13 and the defendant in a speedy trial. No such period of delay  
14 resulting from a continuance granted by the court in  
15 accordance with this paragraph shall be excludable under  
16 this subsection unless the court sets forth, in the record of  
17 the case, either orally or in writing, its reasons for finding  
18 that the ends of justice served by the granting of such  
19 continuance outweigh the best interests of the public and the  
20 defendant in a speedy trial.

21 In this matter, the Court finds that pursuant to 18 U.S.C. § 3161 (h)(8)(A) and  
22 § 3161 (h)(8)(B)(ii) and (iv), the ends of justice served by continuing the trial date from  
23 September 18, 2006 to November 20, 2006, outweigh the best interests of the public and  
24 defendant to a speedy trial. The Court further finds it reasonable and necessary to  
25 continue the trial date as Ms. Silveria would be denied effective assistance of counsel  
26 and a fair trial without additional time to prepare an adequate defense. Therefore, the  
trial date is continued from September 18, 2006, to November 20, 2006. Pretrial  
motions shall be filed no later than November 1, 2006.

DONE this 23rd day of August, 2006.



Thomas S. Zilly  
United States District Judge

Presented by:

s/ Brian Tsuchida  
WSBA # 14886  
Attorney for Ms. Silveria  
Federal Public Defender's Office  
1601 Fifth Avenue, Suite 700  
Seattle WA 98101  
206/553-1100 voice  
206/553-0120 facsimile  
[brian\\_tsuchida@fd.org](mailto:brian_tsuchida@fd.org)

s/ Lennard Nahajski  
WSBA No. 22138  
Attorney for Van X. Bennum  
318 1st Ave., #315  
Seattle, WA 98104  
206/621-0500 voice  
206/621-1365 facsimile  
[len@nahajski.com](mailto:len@nahajski.com)

s/Jill Otake  
Assistant United States Attorney  
700 Stewart Street, Suite 5220  
Seattle, WA 98101-1271

ORDER CONTINUING TRIAL  
TO NOVEMBER 20, 2006- 3  
(Bennum/Silveria, CR 06-189TSZ)

**FEDERAL PUBLIC DEFENDER**  
**Westlake Center Office Tower**  
1601 Fifth Avenue, Suite 700  
Seattle, Washington 98101  
(206) 553-1100